

A photograph of the White House in Washington, D.C., featuring the main building and the Rose Garden with a fountain and red flower beds.

Administrative
Decision

A photograph of the U.S. Capitol Building in Washington, D.C., showing the neoclassical architecture and the grounds.

Legislative
Decision

A photograph of the U.S. Supreme Court Building in Washington, D.C., featuring the neoclassical facade and a fountain in the foreground.

Quasi-
Judicial
Decision

Land Use
Application

Land Use
Decision

Arbitrary, Capricious
& Illegal

LEGISLATIVE DISCRETION:

“If . . . it is reasonably
debatable that [the ordinance]
is in the interest of the
general welfare, we will
uphold it.”

Smith Investment v. Sandy (1998)

ADMINISTRATIVE DISCRETION:

An administrative land use
decision will be upheld if it is
supported by substantial
evidence in the record.

**Utah Code Ann. § 10-9a-801
/ § 17-27a-801**

	<u>Legislative Decision</u>	<u>Administrative Decision</u>
Examples:	Ordinance Adoption, General Plan, Ordinance Amendment, Annexation Zone Change	CUP, subdivision approval, building permits
Type of action:	Create law	Apply law
Applies to:	General population or multiple properties	Individual property
Land Use Authority:	City Council or County Commission only	Any party designated by City Council or County Commission. Often Staff or Planning Commission. Must check ordinances
Standard of review:	Reasonably debatable	Substantial evidence OTR
Land Use Authority Discretion:	Extremely high	High
Requirement to Exhaust Administrative Remedies:	Yes but appeal is directly to District Court	Yes!
Appeal to:	District Court	Local appeal authority designated by City Council or County Commission. Often Staff or Planning Commission, often Board of Adjustment or Hearing Officer. Must check ordinances
Appeal period:	30 days	No less than 10 days but must check ordinances
Advisory Opinion:	No	Yes



Office of the Property Rights Ombudsman

P.O. Box 146702
Salt Lake City, UT 84114
801-530-6391
Statewide: 1-877-882-4662
FAX 801-530-6338

propertyrights@utah.gov

propertyrights.utah.gov